

EMANUEL PECK.

JANUARY 22, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WOOMER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 8900.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8900) for relief of Emanuel Peck, have duly considered the same, and report:

Your committee append to and make a part of this report the military record of Mr. Peck, and a transcript of the application and evidence filed in support of his claim for a discharge, to date the termination of his service, furnished by the War Department. From this record and the evidence it is clear that there was an irregularity in the rolls and that Mr. Peck should have been carried thereon until the date he was sent home by the successor of his captain, George B. Keller; and the War Department notwithstanding has, under existing laws, no authority to correct the record, and the case is an exceptional one. He should be honorably discharged, to date the resignation of Capt. George B. Keller, January 4, 1862.

Your committee report the bill and recommend its passage.

Case of Emanuel Peck, late of Company F, Fourth Pennsylvania Reserve Volunteers.

The records show that Emanuel Peck was enrolled June 8, 1861, to serve three years, and mustered into service as a wagoner in Company F, Fourth Pennsylvania Reserves (Thirty-third Pennsylvania Volunteers), July 17, 1861.

The muster roll of the company, dated August 31, 1861, reports him a private, without remark as to his presence or absence. His name does not appear on any bimonthly muster rolls of the company, but it is borne on the company muster-out roll, dated June 17, 1864, with the following remarks:

“Never enlisted and never mustered; was servant to Captain Keller and accidentally placed on former rolls by him and afterwards dropped by him; was paid as a soldier as long as Captain Keller was in command; was discharged by Captain Keller, who is now dead. Erroneously placed on muster roll by Capt. G. B. Keller (never was enlisted nor mustered).”

The records further show that G. B. Keller was captain of Company F, Fourth Pennsylvania Reserve Volunteers, until January 4, 1862, when he resigned.

In 1888 Mr. Peck applied to the Department for an honorable discharge, and stated under oath as follows:

“Was sworn into the service of the State of Pennsylvania at Easton, Pa., July 1, 1861, as a member of Company F, Fourth Regiment Pennsylvania Reserves; and on July 17, 1861, at Harrisburg, he was mustered into the service of the United States with the same company and regiment, and that thereafter he did duty as a soldier; was mustered and drew his pay from the paymaster's tables several times,

when he was detailed by the captain, G. B. Keller, as his cook. After the resignation of Captain Keller, which occurred in the winter of 1861-62, he was informed by his successor, Capt. J. W. Shoemaker, that he, Emanuel Peck, was no soldier, and in March gave him a pass to go home, which he has lost." * * *

Accompanying his application was a certificate of membership in the regiment, dated at Camp Hale, Baltimore, Md., August 3, 1861, signed by Captain Keller, showing him mustered into the service of the United States July 17, 1861.

In support of the application, testimony has been submitted as follows:

(1) Affidavit of John W. Burnett, late lieutenant, Company F, Fourth Pennsylvania Reserves, in which he declared that he "was personally acquainted with Emanuel Peck, a private in said company, enlisted at Camp Washington, Easton, Pa., July 1, 1861, by Capt. George B. Keller, commanding Company F, Fourth Pennsylvania Reserves. I certify that the accompanying document, called a 'certificate of membership,' is a true copy of the enlistment and muster of said affiant, Emanuel Peck, as contained in the official descriptive book of said company, in the handwriting of said Capt. George B. Keller, and further, that I swear that the signatures attached to said certificate of membership are genuine and true, both as to Captain Keller and also that of G. D. Hofferd, orderly sergeant.

"The said Emanuel Peck was detailed as wagoner soon after his becoming a member of the company, but eventually became cook for Captain Keller, in which capacity he remained until Captain Keller resigned his commission, January 9, 1862. His successor, Capt. J. W. Shoemaker, did not need the services of said Peck, and through a gross irregularity said Peck's name was dropped from the rolls and he was illegally sent home, in Pennsylvania. Said Emanuel Peck was a man of good moral character, always performing every known duty with fidelity. The company records contain no account of him after his being irregularly sent home. No one ever charged that he was a deserter. Every member of the command knew that he was not, but all considered him a victim of gross ignorance or irregularity. As Captain Shoemaker's almost constant clerk, I never heard him speak of Emanuel Peck as a deserter. He insisted that he was no soldier, and the company records declare that he was, as well as the certificate of membership, which accompanies his application for an honorable discharge certificate."

(2) Affidavit of George D. Hufford, late first sergeant Company F, Fourth Pennsylvania Reserves, who declared that he "was personally acquainted with Emanuel Peck, a private in said company, who was enlisted at Camp Washington; and that the document called a 'certificate of membership' is a true copy of his enlistment and muster; and that such certificate, made from company records, was given each member of the company at Camp Hale, with the captain's and my signature. I was discharged for disability while he was yet a member of the company, and upon his return home was under the impression that he was yet a member of the company; and upon his return home was under the impression that he had a discharge, and know that he never was reported a deserter."

(3) Joint affidavit of Samuel R. Bossard, William W. Gordon, and Florian Hille, late of Company F, Fourth Pennsylvania Reserves, in which they declared as follows: * * * "They were personally acquainted with Emanuel Peck, of said company, and know that he was enlisted at Camp Washington, Pa., and was mustered in the United States service with them at Harrisburg, Pa., July 17, 1861, and that the document called 'a certificate of membership' is similar to the one they received at Camp Hale, Baltimore, Md. They have known him to draw his pay with them from the paymaster at different times, and also know that he went home with the consent of the captain, and that he was never reported as a deserter by the officers nor considered one by the enlisted men of the company."

The Auditor for the War Department has reported that Emanuel Peck has been paid as a private, Company F, Fourth Pennsylvania Reserves, from July 17, 1861, to August 31, 1861.

Upon due consideration of the facts in the case, it has been determined by this Department that the applicant was in the military service of the United States until September 1, 1861, and a certificate of discharge as of that date was furnished him November 20, 188-.

Since that date the status of the case has not been changed.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.